IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH:AT HYDERABAD.
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE,
TWO THOUSAND FOUR.
PRESENT:
THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION. No. 4514 OF 1999.

Between
Ata Veeraghavulu

…..Petitioner

and

1. The District Collector, Nellore.
2. The MRO, Allur Mandal, Nellore District.

…..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, (i) to declare the action of the respondent authorities in trying to allot the land in Sy.No.286/1 or any land within 500 meters of high tide line in Iskapalli village of Allur Mandal, Nellore District as arbitrary, illegal, violative of Articles 14,21 and 300-A of the Constitution of India and contrary to the Coastal Regulation Zone; (ii) and direct the respondent authorities not to allot the land to any person in Sy.No.286/1 or any land within 500 meters of the high tide line.

FOR THE PETITIONER: Mr. A.Sudershan Reddy, Advocate
FOR THE RESPONDENTS: GP for Revenue.

The Court made the following Order:

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION No. 4514 OF 1999.

ORDER:

This Writ Petition is filed questioning the proposed allotment of land in Sy.No. 286/1 of Iskapalli village, Allur Mandal, Nellore District for the purpose of aqua culture.

It is the case of the petitioner that he is the owner of agricultural land near Sy.No. 286/1, abutting Buckingham canal. It is the further case of the petitioner that along coastal line, up to Buckingham canal, aqua culture is being developed by several persons and there is also move to allot the land in Sy.No. 286/1 for the purpose of developing aqua culture. The grievance of the petitioner is that if the land in Sy.No.286/1 is allotted for aqua culture, his agricultural land, which is adjacent to the land In Sy.No.286/1, will be salinated.

In the counter affidavit filed on behalf of the respondents, it is stated that there was proposal to assign the land in Sy.No.286/1 in favour of one Singiri Lakshmanaswamy for agricultural purpose and not for aqua culture purpose. Further it is stated that due to local disputes between the petitioner and said Singiri Lakshmanaswamy, the petitioner has filed this Writ Petition.

In view of the averments in the counter affidavit, there is no valid basis for the apprehension of the

petitioner that the land in Sy.No. 286/1 will be allotted for the purpose of developing aqua culture. In the counter affidavit, it is stated that there is no such proposal to allot the land in Sy.No. 286/1 for aqua culture. In view of the stand of the respondents in the counter affidavit, I dispose of the Writ Petition, directing the respondents not to allot the land in Sy.No.286/1 of Iskapally for any prohibited usages. Further, it is made clear that it is open for the respondents to consider assignment of land in Sy.No.286/1 for agricultural purpose, to eligible persons.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 24-06-2004.
Msnr.